

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
January 31, 2014**

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Jim Dabakis
Sen. Mark B. Madsen
Sen. Stuart C. Reid
Rep. Rich Cunningham
Rep. Richard Greenwood
Rep. Craig Hall
Rep. Gregory H. Hughes
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Jennifer M. Seelig

Members Excused: Sen. Curtis S. Bramble
Sen. Ralph Okerlund

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Mr. Zackery King, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Co-Chair Hutchings called the meeting to order at 2:09 p.m.

2. Division of Juvenile Justice Services (JJS)

Ms. Susan Burke, Director, introduced staff members present in the meeting.

Ms. Ann Silverberg Williamson, Executive Director, Department of Human Services (DHS), emphasized that they believe in the absolute value of youth and they deserve our best efforts.

Ms. Burke explained the new System of Care model in DHS and how it relates to JJS. In using this model, they have been able to provide services in a way that keeps more youth in the home. Ms. Burke discussed information contained in a handout "Utah Division of Juvenile Justice Services, 2013 Annual Report - Executive Summary." Literacy levels, early intervention, risk analysis, budget efficiencies, and staffing were discussed. Ms. Burke updated the FTE vacancy rate and personnel budget amount for FY 2013. A handout "JJS Detention and Secure Facilities" detailed average nightly bed counts and beds available over the past nine years. The Weber Valley Detention Center was discussed.

Mr. Reg Garff, JJS Specialist, Commission on Criminal and Juvenile Justice (CCJJ), discussed the "CCJJ Youth Services and Receiving Centers Working Group Report."

Mr. Zackery King, Fiscal Analyst, explained reallocation options as found on the "LFA Recommendations - January 31, 2014" handout. Mr. King also recommended the JJS budget be broken down into five additional line items as found in S.B. 5 Executive Offices and Criminal Justice Base Budget. Trend analysis was discussed.

Mr. Cecil Robinson, Director, Administrative Services, explained the trend analysis under the Administration line item is artificially high due to holding nonlapsing funds there until they are dispersed to other programs.

Mr. King discussed Federal Funding and changes in Medicaid Funding.

Ms. Burke responded to the analyst recommendation to break the JJS budget into additional line items, stating that they would prefer to keep the budget under the Administration line item because it provides them flexibility to move funds where they are needed.

4. Unfinished Business from the previous meeting.

MOTION: Rep. Nelson moved to approve the following intent language: "It is the intent of the Legislature that the CCJJ, in expending appropriated funds to administer the judicial nomination program, shall not publish or rely on evaluation criteria other than those listed in Section 78A-10-103(2): the CCJJ and nominating commissions shall strictly comply with the statutory evaluation criteria to ensure nomination of the most qualified applicants."

Mr. Ron Gordon, Executive Director, CCJJ, stated his direction for judicial nomination comes from the Governor and he was concerned that the Section stated in the intent language may be too limiting.

SUBSTITUTE MOTION: Co-Chair Thatcher moved to send this item to interim for further study by CCJJ and the Judicial Interim Committee. After committee discussion, the motion was withdrawn.

The original motion failed to pass. The motion failed in the Senate with Sen. Reid voting in favor of the motion. The motion passed in the House with Rep. King and Rep. Seelig voting against the motion. Sen. Dabakis was absent for the vote.

MOTION: Co-Chair Thatcher moved to send this item to interim for further study by CCJJ and the Judicial Interim Committee. The motion passed with Sen. Madsen and Rep. Hutchings voting against the motion and Sen. Dabakis absent for the vote.

3. Attorney General

Mr. Sean Reyes, Attorney General, spoke about the vision and direction of the Office and how they plan to accomplish their goals, which are to restore public confidence, increase internal performance and moral, and return the good reputation of the Office. It was requested that the Committee maintain the base budget while the Office assesses what changes should be made.

Mr. Brian Tarbet, Chief Civil Deputy, discussed the budget, using the following handouts: "Attorney General's Office Personnel (FTEs) by Division, Attorney General's Office Budget by Division, and

Attorney General's Office: Details of Non-Lapsing Carry Forward Amounts." He addressed questions from the committee concerning staffing and attorney retention.

Mr. Reyes responded to questions concerning investigators and prosecutors working together.

Mr. Spencer Austin, Chief Criminal Deputy, stated he had only been on staff a short time but appreciated the dedicated staff. Some of the programs which are nationally recognized were highlighted.

Mr. Reyes responded to further questions concerning investigators and prosecutors, and fairness in asset forfeiture cases.

Mr. Werner Haidenthaller, Budget Director, discussed dedicated credits and asset forfeiture funds.

Mr. Reyes and Mr. Tarbet responded to committee questions concerning Child Protection budget and attorneys, a Building Block request for an additional Child Protection attorney, the possibility of additional criminal tax attorneys, addressing questionable activity within the Office, and the need for additional criminal appellate attorneys.

Mr. King briefly discussed the two reallocation items on the "LFA Recommendations - January 31, 2014" handout.

Budget discussion for the Attorney General's Office will continue in the following meeting.

1. Approval of Minutes

MOTION: Co-Chair Thatcher moved to approve the minutes from the February 13, 2013, February 15, 2013, February 20, 2013, February 22, 2013, February 27, 2013, and August 23, 2013 meetings. The motion passed unanimously with Sen. Dabakis, Rep. Greenwood, Rep. Hall, Rep. Hughes, and Rep. Nelson absent for the vote.

5. Adjourn

MOTION: Sen. Reid moved to adjourn. The motion passed unanimously with Sen. Dabakis, Rep. Greenwood, Rep. Hall, Rep. Hughes, and Rep. Nelson absent for the vote.

Co-Chair Hutchings adjourned the meeting at 5:10 p.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair